

REMARKS

In the non-final office action mailed June 9, 2008, pending claims 1-6 were rejected. Applicants have added a corresponding set of method claims, claims 7-14. Support for these amendments can be found, for example, in the claims as originally filed and Applicants' specification at paragraph 29. Applicants respectfully request the Examiner's reconsideration in view of the discussion below.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103: CLAIMS 1-14

In the outstanding non-final office action, claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,210 to Goldhaber et al. Claims 1 and 7 are independent. Applicants respectfully traverse these rejections.

Claim 1 recites, *inter alia*, "select[ing], in response to an advertisement request, an advertisement . . . wherein said advertisement request is based upon a link sent from an affiliate node to said user node in response to a content request sent from said user node to said affiliate node." Similarly, claim 7 recites, among other things, "receiving a plurality of advertisement requests from a user node, each advertisement request based upon a link sent from an affiliate node to the user node in response to a content request sent from the user node to the affiliate node." Applicants' claims are allowable over the relied upon portions of the cited art because the art does not teach or suggest these features.

The claimed subject matter relates to providing advertisements over the Internet. (Specification, ¶ 10.) For example, a user can request a webpage that includes a link to an advertising server process. (*Id.* ¶ 19.) The link may cause the user's browser to request that the advertising server process provide an advertisement. (*Id.*) The advertising server process can select an appropriate advertisement for the user based upon, for example, information compiled by a derive profile process. (*Id.* ¶ 19, 22.) The advertising server process can then send the selected advertisement to the user. (*Id.* ¶ 19.) The illustrative system and method may allow targeted advertisements to be sent to a user. (*Id.* ¶ 10.)

Applicants respectfully submit that the relied upon portions of the cited art neither teach nor suggest the features described above. For example, the cited portions of Goldhaber do not teach or suggest an advertisement request based upon a link sent from an affiliate node to a user node in response to a content request sent from the user node to the affiliate node. Goldhaber describes a system that uses demographic profiles to select advertisements for viewers. (Goldhaber col. 6, lines 24-31.) The Examiner asserts that this system, coupled with Goldhaber's discussion of orthogonal sponsorship (i.e., the concept of separating advertisements from content), "enable[c] an affiliate (third party) to respond to a consumer request." (Office Action, pg. 5.) The Examiner construes "'orthogonal sponsorship' as including affiliates" and the Internet as "inherently contain[ing] affiliate and user nodes to link a content request from a user." (Office Action, pg. 5.)

Applicants respectfully disagree with the Examiner's interpretation of Goldhaber. Contrary to the Examiner's assertion, Goldhaber's description of orthogonal sponsorship does not teach or suggest affiliate nodes. Indeed, the orthogonal sponsorship system described by Goldhaber does not include an affiliate node. Goldhaber discusses an orthogonal sponsorship system that compares user interest profiles with advertisements and transmits matching advertisements to consumers. (Goldhaber, col. 5, lines 37-47 and col. 15, line 57-col. 16, line 5.) This system delivers advertisements *directly* to consumers—there is no role for an affiliate node in the system. For at least this reason, Applicants respectfully submit that claims 1 and 7 are allowable over the cited art.

Applicants also respectfully submit that Goldhaber does not teach or suggest a link from an affiliate node to a user node in response to a content request from the user node to the affiliate node. The Examiner asserts that the following sentence from Goldhaber, combined with Goldhaber's discussion of orthogonal sponsorship, teaches this limitation: "The Internet is a system of linked computers that permits fast, low-cost, global communication, entertainment, and information exchange." (Goldhaber, col. 3, lines 50-52.) As discussed above, Goldhaber does not teach or suggest affiliate nodes, and this citation does not remedy Goldhaber's deficiencies in that regard. Moreover, nothing in this sentence teaches or suggests the

communications between an affiliate node and a user node recited in claim 1. Goldhaber simply discusses that the Internet includes linked computers. The cited portion of Goldhaber does not teach or suggest a content request from a user node to an affiliate node, much less a link from an affiliate node to a user node in response to a content request. As such, Applicants respectfully submit that claims 1 and 7 are also allowable for at least this reason.

For at least the reasons stated above, claims 1 and 7 are allowable over the cited art. In addition, claims 2-6 and 8-14 depend from claims 1 and 7, respectively, and are allowable for at least the same reasons set forth above with respect to claims 1 and 7.

CONCLUSION

Accordingly, each of the claims 1-14 are in form for allowance. As such, Applicants request that the Examiner allow claims 1-14.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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